

Appl. No.: 09/967,070
Amdt. Dated 09/03/2008
Reply to Official Action of 07/01/2008

REMARKS

This response is submitted in reply to the Office Action dated July 1, 2008. Applicant notes with appreciation the Examiner's thorough examination of the application as evidenced by the Office Action.

All pending claims (i.e. claims 1-12 and 15-21) currently stand rejected. The Office Action rejects claims 1-5, 8-11, and 19-21, and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,895,251 to Soh et al. in view of U.S. Patent No. 6,801,524 to Eteminan. Claims 6, 7, 12, and 15-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Soh in view of Eteminan in further view of various ones of U.S. Patent Publication No. 2002/0118800 to Martinez et al., U.S. Patent No. 6,891,811 to Smith et al., and U.S. Patent Publication No. 2002/0024536 to Kahan et al.

As explained below, Applicants respectfully traverse the rejections and submit that the claimed invention is patentably distinct from Soh, Etemian, and the remaining cited references, taken individually or in any proper combination. Various ones of claims have been amended in a non-substantive fashion for clarity.

In light of the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present application.

A. Claims 1-5, 8-11, and 19-21 are Patentable.

The Office Action rejects claims 1-5, 8-11, and 19-21 as being unpatentable over Soh, in view of Eteminan. According to one aspect of the claimed invention, as reflected by independent claim 1, a system is provided that includes a first communication station. The first communication station includes, *inter alia*, an SVMS-MSC configured to determine whether an intended recipient of a packetized SVMS message is capable of receiving the SVMS message prior to transmission of the SVMS message.

In the rejection of claim 1, the Office Action cites to Soh for rendering obvious an SVMS-MSC configured to determine whether a recipient is capable of receiving the SVMS message. However, Soh provides no basis for an obviousness rejection in this regard.

As cited by the Office Action, Soh discloses at Col. 3 Lines 59-65 that an SMC assigns and shares an index of messages with all mobile stations, presumably as part of an initialization procedure. The SMC also retains a database at the SMC for the index information. At Col. 2 Lines 54-60, Soh discloses a procedure for a transmission of a message/event that includes “checking whether the receiving mobile station already contains data corresponding to the selected event by the short message service center (SMC) using a database accessed by the SMC, and transmitting only the index corresponding to the selected event from the short message service center (SMC) to the receiving mobile station if the receiving mobile station already contains the data.”

In other words, the mechanism of Soh checks a database that resides at the SMC (not the mobile stations) to determine whether a mobile station has previously received the message. If the information in the database indicates that the mobile station has previously received the message, then only the index is transmitted to the mobile station. In this regard, Soh discloses no return communications from the receiving mobile station, but only the transmission of data (i.e., the index) to the receiving mobile station.

The features described in Soh and cited by the Office Action seem to have no relationship to determining the receiving capabilities of a recipient, as recited in claim 1, and clearly do not teach or suggest such a feature. The Office Action states that this feature is “obvious because the SMC is sharing the multimedia event index information with the mobile stations and prior to transmitting the multimedia event, checking whether the event is already located on the mobile station.” However, the “checking whether the event is already located on the mobile station” occurs local to the SMC and does not include any communications with the mobile stations. As such, this “checking” does not provide any indication of the receiving capabilities of the recipient as recited in claim 1.

The combination of Soh and Eteminan does not cure the deficiencies of Soh described above, and Enteminan is not cited by the Office Action as such. Applicants therefore respectfully submit that independent claim 1, and by dependency claims 2-9, is patentably distinct from Soh in light of Eteninam. Applicants also respectfully submit that independent claims 10 and 19-21, recite subject matter similar to that of independent claim 1, including the

determination of whether an intended recipient of a packetized SVMS message is capable of receiving the SVMS message prior to transmission of the SVMS message. Thus, Applicants also respectfully submit that independent claims 10 and 19-21, and by dependency claims 11-12 and 15-18 are patentably distinct from Soh in light of Eteminan for at least the same reasons as those provided above with respect to independent claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of claims 1-5, 8-11, and 19-21 as being unpatentable over Soh in light of Eteminan is traversed.

B. Claims 6, 7, 15, and 16 are Patentable.

The Office Action rejects claims 6, 7, 15, and 16 as being unpatentable over Soh in view of Eteminan in further view of Martinez. As explained above, independent claims 1, 10, and 19-21, and by dependency claims 2-9, 11-12, and 15-18, are patentably distinct from Soh in view of Eteminan. Applicants respectfully submit that Martinez does not cure the deficiencies of Soh in view of Eteminan. That is, neither Soh, Eteminan, nor Martinez, alone or in combination, teaches or suggests the claimed invention. Thus, for at least the foregoing reasons given above with respect to independent claims 1, 10, and 19-21, and by dependency claims 2-9, 11-12, and 15-18 are also patentably distinct from Soh, Eteminan, and Martinez, taken individually or in any proper combination.

Applicants accordingly submit that the rejection of claims 6, 7, 15, and 16 as being unpatentable over Soh in view of Eteminan in further view of Martinez is traversed.

C. Claim 12 is Patentable.

The Office Action rejects claim 12 as being unpatentable over Soh in view of Eteminan in further view of Smith. As explained above, independent claims 1, 10, and 19-21, and by dependency claims 2-9, 11-12, and 15-18, are patentably distinct from Soh in view of Eteminan. Applicants respectfully submit that Smith does not cure the deficiencies of Soh in view of Eteminan. That is, neither Soh, Eteminan, nor Smith, alone or in combination, teaches or suggests the claimed invention. Thus, for at least the foregoing reasons given above with respect

to independent claims 1, 10, and 19-21, and by dependency claims 2-9, 11-12, and 15-18 are also patentably distinct from Soh, Eteminan, and Smith, taken individually or in any proper combination.

Applicants accordingly submit that the rejection of claim 12 as being unpatentable over Soh in view of Eteminan in further view of Smith is traversed.

D. Claims 17 and 18 are Patentable.

The Office Action rejects claims 17 and 18 as being unpatentable over Soh in view of Eteminan in further view of Kahan. As explained above, independent claims 1, 10, and 19-21, and by dependency claims 2-9, 11-12, and 15-18, are patentably distinct from Soh in view of Eteminan. Applicants respectfully submit that Kahan does not cure the deficiencies of Soh in view of Eteminan. That is, neither Soh, Eteminan, nor Kahan, alone or in combination, teaches or suggests the claimed invention. Thus, for at least the foregoing reasons given above with respect to independent claims 1, 10, and 19-21, and by dependency claims 2-9, 11-12, and 15-18 are also patentably distinct from Soh, Eteminan, and Kahan, taken individually or in any proper combination.

Applicants accordingly submit that the rejection of claims 17 and 18 as being unpatentable over Soh in view of Eteminan in further view of Kahan is traversed.

CONCLUSION

In view of the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of

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this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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